IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1154 OF 2005

ALONG WITH

CIVIL APPLICATION NO.1425 OF 2005

Shaikh Fakira Mohammad Hasanmiya
& Ors. ...Appellants

Versus

M/s.Ajanta Flora Agril.(India)
Pvt.Ltd. & Ors. ...Respondents

.....

Mr.P.N.Joshi for Appellants.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

FEBRUARY 1, 2006.

P.C.

1. Heard Counsel for the Appellants. Perused the relevant materials on record.

2. The view taken by the lower Court while rejecting the Application for interim relief, in

particular, mentioned in Para 5 onwards of the impugned Judgment, is a possible view. It is not possible to reverse the said opinion recorded by the Court below. There is no material in respect of alleged fraud as stated by the Plaintiffs, except the bare words of the Plaintiffs. All those questions will be relevant at the time of the trial.

3. For the time being, suffice it to observe that no fault can be found either with the findings or the conclusion reached by the Court below in rejecting the application for interim relief during the pendency of the Suit. Hence, this Appeal should fail. The same is dismissed.

4. In view of the above order, accompanying Civil Application also stand dismissed.

5. For the nature of controversy involved, the Trial Court shall expedite the hearing of the Suit to be disposed of by the end of December 2006. All questions are left open.

6. All concerned to act on an ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.